Unwanted Telemarketing Calls Placed To Home Telephones Tips On Actions Your Contituents Can Take To Protect Themselves

Sales and other organizations commonly place unsolicited telephone marketing calls to potential customers or donors. Some constituents may welcome these calls while others may not.

Telemarketers may obtain your constituent's telephone number in variety of ways. For instance, the store where your constituent purchased products may include your constituent's name, address and telephone number on marketing lists sold to other organizations. Also, telemarketers sometimes call all numbers in numerical order for a neighborhood or telephone exchange.

Here are some actions your constituents can take to protect themselves:

✓ Request the Direct Marketing Association to add them to its list of consumers who do not want to receive telemarketing calls. Your constituent can be placed on this list by sending his or her name, telephone number (including the area code) and address (including the zip code) to:

Telephone Preference Service, Direct Marketing Association, P.O. Box 9014, Farmingdale, New York 11735-9014.

This action should reduce the number of unwanted calls, but may not stop all unwanted calls.

✓ Your constituent should tell **each caller** not to call again and ask to be placed on the caller's donot-call list. This should stop all calls from the caller and affiliated entities.

The FCC's Do-Not-Call Rules require the caller to keep a record of this request for ten years. (Tax-exempt nonprofit organizations are not required to keep do-not-call lists.) The caller may not make any more calls to your constituent's home after the do-not-call request is made.

✓ Obtain information about the Federal Trade Commission's Telemarketing Sales Rule via the World Wide Web at: http://www.ftc.gov or by writing to:

Federal Trade Commission, Public Reference Branch, Drop H240, Washington, D.C. 20580.

✓ Write to the Federal Trade Commission at the following address to report false or deceptive telephone solicitation sales practices:

Federal Trade Commission, Consumer Response Center, Drop H285, Washington, D.C. 20580.

- ✓ Contact their local FBI or state attorney general's office about fraudulent telephone solicitation practices.
- ✓ Send complaints about information or products received through the United States Postal Service in connection with fraudulent telephone solicitation practices to:

Mail Fraud, Chief Postal Inspector, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260-2181.

Constituent Fact Lists

Information About Unsolicited Telephone Marketing Calls and Faxes

Unsolicited Telephone Calls	Unsolicited Faxes	
□ Recorded message call.□ Call from a "live" caller.□ Other.	The unsolicited advertisment was received at the following fax number:	
The Call Was Placed to Your Constituent's ☐ Home telephone number Area Code () ☐ Business telephone number Area Code () ☐ Personal pager number Area Code () ☐ Business pager number Area Code () ☐ Cellular telephone number Area Code () ☐ Name of Caller/Organization	Home Fax Number Area Code () Date Received Time received Identification of the Fax Sender:	
Address	Address	
Telephone number Area Code () Date of call	Telephone number of the sender or the sending fax machine (Area Code)	
Time of call Date your constituent requested to be added to the caller's do-not-call list	sending unsolicited advertisements to their fax	

Fax Facts Information Your Constituent Should Know About Faxes

Unsolicited Advertisements Sent To Home and Business Fax Machines

The FCC's rules prohibit the transmission of unsolicited advertisements to fax machines.

No person may transmit an advertisement describing the commercial availability or quality of any property, goods, or services to your constituent's fax machine without your constituent's prior express permission or invitation.

Established Business Relationship and Faxes

Your constituent has an established business relationship with a person or entity if your constituent has made an inquiry, application, purchase or transaction regarding products or services offered by such person or entity.

If your constituent has an established business relationship with the person or entity sending the message, an invitation or permission to receive unsolicited fax advertisements is presumed to exist.

Your constituent can end this relationship by telling the person or entity that your constituent does not want any more unsolicited advertisements sent to their fax machine. The FCC's rules require that any message sent to a fax machine must clearly mark on the first page or on each page of the message:

- ☐ the date and time the transmission is sent;
- ☐ the identity of the sender; and
- the telephone number of the sender or of the sending fax machine.

All fax machines manufactured on or after December 20, 1992 and all facsimile modem boards manufactured on or after December 13, 1995 must have the capability to clearly mark such identifying information on the first page or on each page of the transmission.



Hang Up On High Public Phone Rates



Constituents
placing calls away
from home often
do not know which
telephone company
they are using.

Here's some advice for your constituents:

Don't leave home before calling their chosen long distance company and obtaining instructions on how to place calls through that company from public telephones.

Stop before making a call from a public telephone.

Look at the printed information on or near the telephone. The FCC's rules require each public telephone provider to post the following information and disclosures on or near each public telephone, in plain view of consumers:

- The name, address and toll-free number of the Operator Service Provider (OSP) providing the service for that telephone;
- Rates for all operator-assisted calls are available upon request; and
- Consumers have a right to obtain access to the interstate long distance company of their choice, and may call that company using that public telephone.

Listen after they dial the number to determine which OSP is handling the call. The FCC's rules require each OSP to identify itself at the beginning of a call and before any charges are incurred.

Beginning July 1, 1998, most OSPs must also orally notify callers of their right to obtain rate quotations for interstate calls before a call is connected and billed. Your constituents will be able to find out the total price of a telephone call -- including any surcharges -- by simply pressing a button, such as the pound key, or staying on the line.

The price disclosure requirement will give your constituents the opportunity to hang up on high rates and to "dial around" OSPs by following their chosen long distance company's instructions for placing calls from public telephones.

Beginning July 1, 1998, most constituents receiving collect calls from inmates in prisons, jails and other correctional or similar institutions will be able to obtain the price of the call by simply pressing a button or staying on the line.

OSPs providing operator services for inmate-only telephones will be required to orally notify the constituent to be billed for an inmate's collect call of his or her right to obtain rate quotations before the OSP connects and bills for an interstate collect call.

Your constituents can then decide whether or not they want to accept the collect call. Your constituents can also use the rate quotation information to decide whether or not they want to limit the length of the call.

It Pays To Be Wise About Public Phones

perator Service Providers (OSPs) provide long distance service -- and in some cases local telephone services -- from pay telephones or telephones located in public places such as hotels, motels and hospitals.

The FCC has adopted rules to ensure that interstate OSP services are provided to consumers in a fair and reasonable manner.

Here's some information your constituents should know about OSPs:

- The OSP providing service for a public telephone generally will handle a call if "0" is dialed before dialing any other number.
- The FCC's rules guarantee your constituents the right to place calls from a public telephone through the long distance company they want to use by dialing an access code -- such as an 800 number, a local number that begins with 950, or a seven-digit access number known as a 101-XXXX number.

Federal law prohibits blocking of 800 or 950 access to long distance companies from public telephones.

The OSP will require your constituents to charge a call to a calling card, call collect, or bill the call to a third party when coins are not used to pay for the call.

☆ OSPs are required to immediately connect emergency calls to the appropriate emergency service.

OSPs cannot bill for unanswered calls in areas where equal access (1+) service is available, nor can the OSP knowingly bill for unanswered calls where equal access is not available.

Sometimes an unanswered call will register as a billed call due to the equipment used by local telephone companies in areas where equal access is not available.



The Who, What, When and Where of Filing a Telephone-Related Complaint

Complaint letters should be legibly printed or typed.

We may not be able to process a constituent's complaint unless the following information is provided:

Who

Constituent's Name Company Name (where appropriate) Street Address or Post Office Box City, State, Zip Code Daytime telephone number (including area code)

What the Complaint is About

Provide a summary of the complaint and the following information:

- The telephone number or numbers involved with the complaint.
- The names and telephone numbers of the company employees your constituent called in an effort to resolve the complaint, and the dates your constituent spoke with them.
- The names and addresses of your constituent's local telephone company, their preferred telephone company (if the complaint involves an unauthorized change of telephone companies), and all other companies involved with the complaint.
- The action requested, such as a credit or refund for disputed charges.
- Copies of the telephone bill or bills listing the disputed charges. The disputed charges should be circled on the copy of the bill(s).

- Copies of correspondence received from the companies involved with the complaint and from state or federal agencies contacted in an effort to resolve the complaint.
- Copies of other documents such as the company's promotional material and the forms used to change long distance companies.

When

The date or dates of the incidents involved with the complaint.

Where

Specify whether the complaint involves residential or business telephone service.

For calls placed away from your constituent's residence or business location, include information such as:

- ✓ The name, address and telephone number for the hotel, motel, hospital or other entity where the payphone or public telephone involved with the complaint is located.
- ✓ The name of the company -- called an Operator Service Provider -- providing long distance service for that telephone.
- ✓ The number on the telephone, and the telephone vendor (if identified on the telephone).

Slamming of Telephone Service

Been Slammed?

Actions your constituents should take if their preferred telephone company was changed without their knowledge or consent:

First

Ask their local telephone company to reconnect their telephone service to their preferred telephone company and remove any charges from their bill for switching companies.

Second

Call the company that slammed their service. Tell the company they will only pay the charges their original preferred long distance company would have charged.

Third

Call the telephone company from which they were switched. Report the unauthorized change. Ask the company to reestablish their account.

Fourth

Call 1-700-555-4141 to verify that their residential service is connected to their long distance company of choice.

Fifth

Send a written complaint to the FCC if they are unable to resolve their complaint with the company that switched their service. The complaint should include the names and addresses of their preferred local and long distance companies, and the company that slammed their service.

Want to Prevent Being Slammed?

Your constituents can protect themselves by taking the following steps:

- Review phone bills each month. Call the companies listed on the bills and ask about services and charges they did not authorize.
- Request their local telephone company to obtain their direct permission before changing their telephone company.
- Specify which type of service should be changed when selecting a new telephone company -- especially if they can select different companies for local, in-state long distance, and out-of-state long distance telephone service.
- Carefully read promotional material, the forms used to change telephone service, and letters and postcards verifying a change in long distance service. Take immediate action to correct unauthorized changes in telephone service.
- Ask about all costs and restrictions associated with discount plans, bargain rates offered for short time periods, long-term service contracts, and package deals combining several different types of services.
- Just say no to telemarketers if they are not interested in the company's services.

Know the Rules 900 Number Pay-Per-Call and Other Information Services

FCC Rules

- Telephone companies cannot disconnect a constituent's local or long distance telephone service for failure to pay charges for 900 number or presubscribed information services.
- If technically feasible, local telephone companies must offer your constituents the option of blocking access to 900 number services.
- A toll-free telephone number may not be used to charge a constituent for information services unless the constituent has a written agreement to obtain and be charged for the service or has agreed to pay for the service by prepaid account, or through a debit, credit, or calling card.
- Toll-free numbers may not be used to initiate collect calls from information providers.
- Callers to toll-free numbers may not be transferred to 900 numbers.
- Charges for 900 and presubscribed information services must be in a portion of the bill that is separate from local and long distance charges. The bill must include information outlining your constituent's rights and responsibilities with respect to payment of information service charges.

FTC 900 Number Rule

- Advertisements for 900 number services must clearly disclose the cost of a call. Television advertisements must include both audio and video disclosures.
- A preamble must begin each 900 number program if total charges for a call are greater than \$2.00 and must include the following information:
 - ✓ a brief description of the service;
 - the name of the information service provider;
 - ✓ the cost of the call; and
 - ✓ a statement that callers under 18 must obtain parental permission.

After the preamble is complete, callers must be given three seconds to hang up without being charged for the call.

- Using toll-free numbers for pay-per-call services is prohibited unless the constituent has a presubscription agreement. Also prohibited is transferring toll-free callers to a 900 number.
- Constituents wishing to challenge pay-per-call charges under the FTC's rule must notify the company listed on the bill within 60 days after the first statement containing a disputed charge was sent. Billing statements must include a local or toll-free number to call about pay-per-call charges.

Quick Tips That Can Save Your Constituents \$ 900 Pay-Per-Call and Other Information Services

A simple telephone call can put sports news at your constitutents' finger tips or provide them instant access to a psychic -- but such information services are rarely free.

- Carefully review telephone bills every month and challenge incorrect charges for 900 number and other types of information service calls.
- Be suspicious of offers for free calls or services. If it sounds too good to be true -- it probably is. 900 number programs always involve charges to the caller. Information services are rarely free even if they are provided over toll-free numbers.
- Educate children and other individuals who make phone calls from their line about the charges for calls placed to information services.
- Carefully read advertisements for information services. Some information service advertisements do not disclose the charges for calling the advertised numbers.
- Listen carefully to the preamble or introductory message when calling a 900 number or other type of information service number. Immediately hang up when not interested in the service or when not wanting to pay charges for the call.

- Be cautious when calling an information service that advertises "Ordinary Toll Rates Apply" or "International Toll Rates Apply." The toll rates of some telephone companies involved in transmitting information services may exceed the rates of your constituents' long distance company. Also, the international rates of their preferred long distance company may be higher than expected for information service calls.
- Understand that calls placed to numbers with 809, 758 or 664 area codes or to numbers beginning with "011" will be billed as international toll calls or possibly "calling card" calls.
- Ask their local telephone company if 900 number blocking service is available in their area, and their local and long distance companies about blocking toll or international calls if they want to secure their phone lines against the placement of these types of calls.
- Think twice before requesting a return call. Some information service companies use this option for callers to receive information. If this option is selected and the call is returned, your constituents may be charged for a collect call.

How We Process Constituent Complaints About Telephone-Related Issues

he Consumer Protection Branch of the Common Carrier Bureau's Enforcement Division assigns an "IC" file number to your constituent's complaint. This file number is included in correspondence responding to the complaint.

The Branch forwards complaints about services and rates regulated by the FCC to each company involved with the complaint that is within the FCC's jurisdiction. **The Branch directs each company to:**

- Send a letter to your constituent acknowledging receipt of the complaint;
- Review all records and the information relating to the complaint;
- File a written response to the complaint issues with the FCC. Usually this response must be filed with the FCC within 30 days from the date the Branch sent the complaint to the company; and
- Send a copy of the response to your constituent.

After receiving the written response from each company, Branch staff members review your constituent's complaint file.

Appropriate Commission action will be taken if it appears that a company may not be in compliance with federal law, FCC rules and decisions, and industry practices.

The Branch will notify your constituent in writing when it closes the complaint file.

Please ask your constituent to:

- *UNDERSTAND* that it takes time to thoroughly review the issues raised in individual complaint files.
- Address Questions about the complaint file to the Consumer Protection Branch at the following telephone number or address:

Call the Consumer Hotline at the following number: (202) 632-7553

Write to the following address:

Federal Communications Commission Common Carrier Bureau Consumer Complaints Mail Stop Code 1600A2 Washington, D.C. 20554

- REFERENCE THE "IC" FILE NUMBER assigned to his or her complaint when contacting the Branch.
- WAIT AT LEAST 30 DAYS after receiving written responses to the issues raised in the complaint before requesting complaint status information from the Branch.

Quick Look Guide 1

Торіс	Issue	Where to Go for Information And to File Complaints
Local and Intrastate Telephone Services and Rates		State public utility commission for the state where the calls were placed or services were provided
Interstate and International Telephone Services and Rates		Federal Communications Commission
Caller ID Services	Interstate services	Federal Communications Commission
	Intrastate services; privacy (blocking telephone numbers)	State public utility commission
Debt Collection Practices	Telephone company collection practices	Federal Communications Commission
	Debt collection companies	Federal Trade Commission; State Attorney General's Office
Deceptive Advertising Practices	Telephone company advertising practices	Federal Communications Commission
	Advertising practices of companies other than telephone companies	Federal Trade Commission



Topic	Issue	Where to Go for Information And to File Complaints
Fraud	Mail	Chief Postal Inspector
	Telephone	Constituent's local FBI Office; State Attorney General's Office
Harassment by Telephone	Calls placed by debt collectors	Federal Trade Commission
	Interstate harassment calls placed by anyone other than a debt collector	Law enforcement offices; constituent's local FBI Office; Federal Communications Commission
	Intrastate harassment calls placed by anyone other than a debt collector	Law enforcement offices; state public utility commission
Internet Access	Interstate telephone company charges	Federal Communications Commission
	Intrastate telephone company charges	State public utility commission
	Internet service providers	State consumer protection agencies; Federal Trade Commission

Quick Look Guide 3

Торіс	Issue	Where to Go for Information And to File Complaints
Public and Pay Telephones	Intrastate services and rates (coin rates for local calls placed from payphones have been deregulated); malfunctioning equipment	State public utility commission for the state where the calls were placed
Operator Service Providers (OSP)	Interstate services and rates; identification of OSP handling call; blocking 800, 950 or five digit (10XXX) access to constituent's telephone company of choice	Federal Communications Commission
Slamming	Unauthorized change of a constituent's telephone company	Federal Communications Commission
Subscriber Line Charge (Federal)	Sometimes listed on telephone bills as a "network access charge"	Federal Communications Commission
Taxes on Phone Bills	Federal taxes	Internal Revenue Service
	State and local taxes	State or local tax office
Telephone Equipment	Installation; repairs; leasing; warrantees; etc.	State or local consumer protection office; manufacturer of equipment; store where item was purchased

Quick Look Guide 4

Торіс	Issue	Where to Go for Information And to File Complaints
Unsolicited Telephone Marketing Calls and Faxes	Issues other than those noted below	Federal Commuications Commission
	Deceptive marketing practices of companies other than telephone companies	Federal Trade Commission
	Fraudulent solicitation practices of companies other than telephone companies	Constituent's local FBI office; State Attorney General's Office
	Products received through the mail in connection with fraudulant telephone solicitation practices	Chief Postal Inspector
Cramming Invalid or Unclear Charges on Local Telephone Bills	Non-telephone charges (e.g., "content" services like psychic hotlines); unclear charges	Federal Trade Commission; Federal Communications Commission
	Intrastate services and charges	State public utility commission
	Interstate or international services and charges	Federal Communications Commission
Presubscribed Interexchange Carrier Charges (PICC)	Sometimes listed on telephone bills as a "national access fee"	Federal Communications Commission
Universal Service Charges		Federal Communications Commission

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900 Number Pay-Per-Call and Other Types of Telephone Information Services

Торіс	Issue	Where To Go for Information And To File Complaints
900 Number Pay-Per- Call Services	Disconnection of local or long distance telephone service for non-payment of 900 number charges	Federal Communications Commission
	Charges not separately identified on the telephone bill	Federal Communications Commission
900 Number Pay-Per- Call Blocking Services	Unable to obtain service from the local telephone company to block 900 calls placed from residential or business telephones	Federal Communications Commission
	Received a bill for a 900 number call even though blocking service was ordered from the local telephone company	Federal Communications Commission
All Other Issues Involving 900 Numbers		Federal Trade Commission
Information Services Other Than 900 Number Pay-Per-Call Services	976 and other local or intrastate information services	State public utility commission
	Charges for calls placed to 800 or other toll-free numbers	Federal Communications Commission
	Charges for calls placed to international numbers	Federal Communications Commission

Cramming

Invalid Or Unclear Charges On Your Constituents' Local Telephone Bills

Cramming is a term sometimes used to describe the practice of adding charges to constituents' local telephone company bills for services that are not clearly described. In many cases, constituents claim they are being billed for services they did not order.

The FCC is very concerned about these types of charges and has urged local telehone companies and other billing service providers to work with the FCC in order to adopt an industry code of practice to prevent cramming.

Examples of cramming include charges for:

- calls that were not made by the constituents or that were placed to toll-free numbers;
- services that are explained only in general terms, such as "voicemail," or "calling plan," or "membership;"
- "800 number service;" and
- services identified as "monthly fee" that appear on a monthly basis.

How Invalid Or Unclear Charges Occur

Local telephone companies commonly serve as billing agents for many long distance and telephone information service providers. Examples of telephone information services include psychic advice; product information; and so-called "adult" services and "chat" lines.

Most of these charges are incurred by constituents by either placing specific calls or authorizing companies to provide specific types of telephone services. For many constituents, it is convenient to have these charges included on their local telephone bills.

Invalid or unclear charges can occur when long distance telephone companies or telephone information service providers send inaccurate billing data -- whether through oversight or intentionally -- to the local telephone companies. The local telephone companies, in turn, bill constituents for the calls or services.

Unclear charges also occur when long distance telephone companies or information service providers legitimately impose charges but either insufficiently or improperly describe the services for which the constituents are being billed.

Cramming

Actions Your Constituents Can Take

Your constituents can protect themselves by:

- Reading all forms and promotional materials -including the fine print -- before signing up for telephone services.
- Keeping a record of the telephone services they have authorized and used -- including calls placed to 900 numbers and other types of information services. These records can be helpful when billing descriptions are unclear.
- Carefully reviewing their telephone bill every month. Look for company names they do not recognize, charges for calls they did not make, and charges for services they did not authorize.
- Immediately calling companies that charged them for calls they did not make or services they did not authorize. Ask the companies to explain the charges and request billing adjustments for incorrect charges.
- Explaining their concerns about unclear or unauthorized charges to their local telephone company.
- Asking their local telephone company what the procedure is for removing incorrect charges from their bill if the companies responsible for the charges do not sufficiently respond to their concerns.

Your constituents can take the following actions if companies will not remove incorrect charges from their telephone bills:

Contact their state regulatory commission for calls placed to locations within the same state or telephone services provided within the state.

Contact the Federal Trade Commission regarding charges on their bill for non-telephone services by writing to the Federal Trade Commission, Public Reference Branch, Drop H240, Washington, D.C. 20580 -- or by calling the FTC's Consumer Response Center at (202)326-3128. Non-telephone services include "content" services such as psychic hotlines.

Send a written complaint letter to the FCC regarding interstate or international services and charges. Your constituent can obtain information on how to file a complaint on the FCC's Web Site at http://www.fcc.gov/ccb/consumer_news/ or by calling the FCC's National Call Center toll-free at 1-888-CALL FCC (1-888-225-5322).

Remember that companies complete for their telephone service business. Your constituents should use their buying power wisely and shop around to find the best deal for their service needs and calling patterns.